

1 WILLIAM A. ISAACSON (*Pro hac vice*)
(wisaacson@bsflfp.com)
2 STACEY K. GRIGSBY (*Pro hac vice*)
(sgrigsby@bsflfp.com)
3 NICHOLAS WIDNELL (*Pro hac vice*)
(nwidnell@bsflfp.com)
4 BOIES SCHILLER FLEXNER LLP
1401 New York Avenue, NW
5 Washington, DC 20005
Tel: (202) 237-2727; Fax: (202) 237-6131

6 RICHARD J. POCKER #3568
(rpocker@bsflfp.com)
7 BOIES SCHILLER FLEXNER LLP
300 South Fourth Street, Suite 800
8 Las Vegas, Nevada 89101
Tel: (702) 382-7300; Fax: (702) 382-2755

10 DONALD J. CAMPBELL #1216
(djcc@campbellandwilliams.com)
11 J. COLBY WILLIAMS #5549
(jcw@campbellandwilliams.com)
12 CAMPBELL & WILLIAMS
700 South 7th Street
13 Las Vegas, Nevada 89101
Tel: (702) 382-5222; Fax: (702) 382-0540

14 *Attorneys for Defendant Zuffa, LLC, d/b/a*
15 *Ultimate Fighting Championship and UFC*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 Cung Le, Nathan Quarry, Jon Fitch, Brandon
20 Vera, Luis Javier Vazquez, and Kyle Kingsbury,
on behalf of themselves and all others similarly
situated,

21 Plaintiffs,

22 v.

23 Zuffa, LLC, d/b/a Ultimate Fighting
24 Championship and UFC,

25 Defendant.

No.: 2:15-cv-01045-RFB-(PAL)

**ZUFFA, LLC'S MOTION TO
SEAL PORTIONS OF AN
EXHIBIT TO ITS OPPOSITION
TO PLAINTIFFS' EMERGENCY
MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
WITHHELD ON PRIVILEGE
GROUND AND OTHER RELIEF
(ECF No. 443)**

I. INTRODUCTION

Pursuant to the Stipulated Order governing the confidentiality of documents entered by the Court on February 10, 2016, ECF No. 217 (“Protective Order”) and Rule 26(c) of the Federal Rules of Civil Procedure, Defendant Zuffa, LLC (“Zuffa”) respectfully requests that the Court order the Clerk of Court to file under seal an portions of an exhibit to Zuffa’s Opposition to Plaintiffs’ Emergency Motion To Compel Production of Documents Withheld on Privilege Grounds And For Other Relief (“Opposition”).

The Protective Order in this case provides for the filing of documents under seal where a document or portions thereof contain Confidential or Highly Confidential Information. ECF No. 217, ¶ 14.3. Zuffa seeks to file under seal portions of exhibits consisting of correspondence between the parties that include excerpts of Zuffa documents that were properly designated confidential pursuant to the Protective Order. For the reasons below, Zuffa has demonstrated that “good cause” exists sufficient to justify sealing of this non-dispositive motion and its related documents.

II. LEGAL STANDARD

Documents filed in connection with a non-dispositive motion may be sealed if the party seeking to seal the documents makes a “particularized showing” under the “good cause” standard of Rule 26(c). *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (citation and internal quotation marks omitted); *see also Pintos v. Pacific Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010). The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information.” *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

As the Ninth Circuit has held, in granting protective orders preventing disclosure of certain types of information, district courts have, upon good cause shown, “[m]ost significantly . . . granted protective orders to protect confidential settlement agreements.” *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1212 (9th Cir. 2002) (citations omitted).

III. ARGUMENT

Zuffa seeks to redact two portions of Exhibit 2, which contains excerpts from confidential

1 emails exchanged between Zuffa executives Michael Mersch and Lawrence Epstein and Zuffa's
2 outside counsel, Donald Campbell. Zuffa had previously designed the entire document from which
3 these portions were excerpted as confidential pursuant to the Protective Order in this case. The
4 messages discuss Zuffa's and its counsel's confidential business opinions. Good cause exists to seal
5 this portion of Exhibit 2.

6 Zuffa also seeks to lodge under seal Exhibit 16 to the Declaration of Stacey Grigsby.

7 IV. CONCLUSION

8 Zuffa has filed all of these documents under seal, in accordance with the Court's ECF
9 system, with the instant motion. Zuffa has publicly filed placeholders for redacted versions of these
10 documents with the Court, and will serve un-redacted versions of these documents on Plaintiffs.

11 Zuffa respectfully requests that the Court find that Zuffa has made the requisite particularized
12 showing of good cause sufficient to justify sealing of the documents, or portions thereof, listed
13 above.

14 //

15 //

Dated: July 14, 2017

Respectfully Submitted,

BOIES SCHILLER FLEXNER LLP

By: /s/ Stacey K. Grigsby

Stacey K. Grigsby

*Attorneys for Defendant Zuffa, LLC, d/b/a
Ultimate Fighting Championship and UFC*

WILLIAM A. ISAACSON (*Pro hac vice*)
(wisaacson@bsflp.com)

STACEY K. GRIGSBY (*Pro hac vice*)
(sgrigsby@bsflp.com)

NICHOLAS A. WIDNELL (*Pro hac vice*)
(nwidnell@bsflp.com)

BOIES SCHILLER FLEXNER LLP
1401 New York Ave., NW, Washington, DC 20005
Telephone: (202) 237-2727; Fax: (202) 237-6131

RICHARD J. POCKER #3568
(rpocker@bsflp.com)
BOIES SCHILLER FLEXNER LLP
300 South Fourth St., Ste. 800, Las Vegas, NV 89101
Telephone: (702) 382 7300; Fax: (702) 382 2755

DONALD J. CAMPBELL #1216
(djcc@campbellandwilliams.com)
J. COLBY WILLIAMS #5549
(jcw@campbellandwilliams.com)
CAMPBELL & WILLIAMS
700 South 7th Street, Las Vegas, NV 89101
Telephone: (702) 382-5222; Fax: (702) 382-0540

*Attorneys for Defendant Zuffa, LLC, d/b/a
Ultimate Fighting Championship and UFC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **Zuffa, LLC's Motion to Seal Portions of An Exhibit to Zuffa's Opposition to Plaintiffs' Emergency Motion To Compel Production of Documents Withheld On Privilege Grounds And For Other Relief (ECF No. 443)** was served on July 14, 2017 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Roderick Crawford

Roderick Crawford, an Employee of Boies
Schiller Flexner LLP